

Claim 4 (new): The aluminum can crusher of claim 1 wherein the said miscellaneous pieces and handles or handle can be removed and placed inside the container body to form a marketing kit.

Claim Rejection - 35 USC § 102 on the bottom of page 2 of the detailed action states that claims 1 and 2 are rejected as anticipated by Matlock (US 5,664,277). Applicant has studied Matlock's device and claims that his golf grip washing device which also has parts made from plumbers PVC pipe would have to be totally remodeled for it to serve as a can crusher. The patent does not describe how a can could be inserted into the device or how it could be removed.

Applicant's can crusher is simple in construction and simple to use. Hundreds of cans can be lined up on a hard surface and all can be flattened in just minutes with it's use.

### Under Conclusion Page 3

It states that prior art is listed on form PTO 892. Applicant has studied these and added another of his own. They are:

U.S. 4,358,142 by Montalvo describes a hand held can crusher which is used manually to crush beverage cans. It is necessary for a user to first cave in the side of a can with a blow from the can crusher and then another blow is necessary to flatten a can completely. The device is rotated a half turn to do this.

Applicant's aluminum can crusher completely flattens a can with just one blow from a downward stroke of a heavily weighted device.

U.S. 4,417,512 by Engelke describes a can crusher device which is constructed so that both hands and a foot are used to apply the force which is needed to crush a can.

Applicant's can crusher does not need assistance from a foot to apply the force needed to crush a can. Two long handles are attached to the crusher which are used to raise the crusher over a can. Then the user lets the heavily weighted crusher drop while assisting it also with extra force applied by both hands and a can is flattened completely with just one blow.

U.S. 5,133,252 by Replogle describes an aluminum can crushing device which is manually operated. It comprises an optional handle which is attached to the can holder

at its lower end. A gripping surface is located on the can holder so that an operator places a can into the holder and then raises the device and then forces the device downward onto a hard surface which serves to crush the can. Then the operator has to remove the flattened can so that the next can can be placed into the crusher, etc.

Applicant's can crusher eliminated the extra motions of placing a can into the device and then having to remove the can before the next can can be placed into the device. When using applicant's can crusher, hundreds of saved cans can be lined up on a hard surface and be crushed in minutes. Crushed cans are then gathered together in a pile and scooped up with a shovel and then placed in a storage receptacle or garbage bag until they are to be recycled.

U.S. 5,176,072 by Larson describes a hand held aluminum can crusher that comprises a handle with a can gripper at its end. This device also necessitates that an operator must first place a can into the device and then must remove the flattened can. I believe this device would be injurious to the hand because of the shock it would have to absorb with the abrupt stop of the device when it is brought down forcefully onto a hard surface.

Applicant's can crusher is designed with two vertical handles so that the hands barely receive the shock when the crusher strikes a hard surface when it is in use.

### Conditional Request for Constructive Assistance

Applicant has endeavored to satisfy all the examiner's objections. If, for any reason, this application is not believed to be in full condition for allowance, applicant respectfully requests the constructive assistance and suggestions of the examiner pursuant to M.P.E.P. § 706.03 (d) and § 707.07 (j) in order that the undersigned can have this application placed in allowable condition as soon as possible and without the need for further proceedings..

Very respectfully,

A handwritten signature in cursive script, reading "Lyle J. Christiansen", written in dark ink over a horizontal line.

2005, February 25

Lyle J. Christiansen, Applicant

## Certificate of Mailing

I certify that on the date below, this document will be deposited with the U.S. Postal Service as first class mail in an envelope addressed to:

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2005, February 25

Lyle J. Christiansen

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